

Serial No. 10/748,686

**REMARKS**

In the Office Action mailed May 28, 2008, the Examiner noted that claims 1-32 were pending, that claim 26 is allowed, and rejected claims 1-25 and 27-32. Paragraph [0071] of the Specification has been amended, no claims have been amended, no claims have been canceled, new claim 33 has been added; and, thus, in view of the foregoing claims 1-33 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Examiner's rejections and objections are respectfully traversed below.

**Claim Objection**

The Office Action, on page 3, objected to claim 27 because the specification failed to provide antecedent basis for the claim terminology "computer readable storage". However, paragraph [0071] of the Specification has been amended to include proper antecedent basis for claim terminology "computer readable storage". In addition, the Examiner's attention is directed at paragraph [0031] of the application, which provides further support. It is submitted that no new matter is being added as "computer readable storage" is supported by the originally filed claims.

Accordingly, withdrawal of the objection is respectfully requested.

**Rejection under 35 U.S.C. § 112**

The Office Action, on page 3, rejected claim 32 under the first paragraph of 35 U.S.C. § 112 for failing to comply with the written description requirement. Particularly, the Office Action asserted that the Specification only shows one interface menu located at an end range of a user motion that is perpendicular to the motion arc, but does not support a second menu being located at the other end also being perpendicular (see page 4, lines 2-4 of Office Action).

However, it is submitted that the assertion by the Office Action is incorrect. Particularly, Figure 1 of the application illustrates a graphical interface situated in the bottom left side of the display and Figure 2 of the application illustrates a graphical interface situated in the bottom right side of the display (see paragraphs [0026]-[0029] of Specification). Such figures support "a first graphical user interface" and a "second graphical user interface", as recited in claim 32.

Accordingly, withdrawal of the rejection is respectfully requested.

**Rejections under 35 U.S.C. § 103**

The Office Action, on page 5, rejected claims 1-9, 11-14, 20, 21, 23, 24, 27-29 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda (U.S. Publication No.

2002/0097277) in view of Miyashita et al. (U.S. Publication No. 2002/0122158, hereinafter "Miyashita") and further in view of Selker (U.S. Publication No. 2002/0122072).

Pitroda relates to a method and system that manages user information using a customized computer interface which is user centric and geared toward creating and managing a personal information portal (see Abstract, of Pitroda). The Office Action asserted that Figure 11A of Pitroda discloses a graphical user interface area located in a display corner responsive to a natural motion by a user associated with an end of a range of the natural motion (see page 5, item 9, lines 5-8, of Office Action).

However, paragraph [0131] of Pitroda, which corresponds to Figures 11A and 11B, describes that when a user "selects" a particular sphere, i.e. business sphere, primary universes relating to the sphere are displayed. Stated another way, when a business sphere is selected, sub-menus related to the business sphere are displayed. However, in claim 1, "a graphical user interface area" is displayed "*responsive to a natural motion by a user* associated with an end of a range of the natural motion" (see Figure 1 of Application). Such is not the case in Pitroda, because the sphere described in Figure 11A of Pitroda is not responsive to a natural motion by a user, but instead Pitroda merely relates to displaying primary universes of the selected sphere. Further, nothing was found in Pitroda that discloses, either expressly or implicitly, how such a graphical user interface area is displayed.

The Office Action acknowledged that Pitroda fails to disclose the feature of a graphical user interface area located in a lower display corner and relied upon Figures 18 and 19 and paragraph [0141] of Miyashita to disclose such a feature (see page 5, of Office Action). However, Figures 18 and 19 and paragraph [0141] of Miyashita describes that a desired file may be selected for opening via the display screen SR projected by a projector 10. Particularly, Miyashita describes that when the image data is currently being projected, a Menu screen SW1 or File Select screen SW2 appears in the lower left hand corner of the display screen SR to allow files to be selected without impairing the view of the image (see paragraph [0141], of Miyashita). Stated another way, Miyashita describes displaying a menu screen in the lower left side of the projected screen so the view of the image is not impaired.

Claim 1, however, displays a "graphical user interface area located in a lower display corner *responsive to a natural motion by a user*". Miyashita cannot disclose, either expressly or implicitly, the feature quoted above because the displayed menu described in Miyashita is to avoid the image from being impaired, rather than displaying an interface "responsive to a natural motion by a user", as in claim 1.

Further, nothing was cited or found in Selker that cures the deficiencies as discussed above with respect to claim 1. Therefore, it is submitted that claim 1 is patentable over Pitroda, Miyashita, and Selker, as none of the references, taken alone or in combination, disclose either expressly or implicitly, the features of claim 1, as quoted above.

Independent claims 5, 12, 20, 21, 27, 28 and 31 emphasize a similar feature as claim 1. Therefore, it is submitted that claims 5, 12, 20, 21, 27, 28 and 31 are patentable over Pitroda, Miyashita, and Selker, taken alone or in combination, for reasons similar to those discussed above with respect to claim 1

The Office Action, on page 12, rejected claims 22, 25 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and further in view of Selker and Keely, Jr. et al. (U.S. Patent No. 6,337,698, hereinafter "Keely").

It is submitted that claims 22, 25 and 30 inherit the patentable features of their respective base claims. Further, nothing was cited or found in Keely that cures the deficiencies of Pitroda and Miyashita as discussed above. Therefore, it is submitted that claims 22, 25 and 30 are patentable over Pitroda, Miyashita, Selker and Keely, taken alone or in combination.

The Office Action, on page 14, rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and further in view of Selker and Kurtenbach (U.S. Patent No. 5,689,667).

It is submitted that claim 10 inherits the patentable features of base claim 1. Further, nothing was cited or found in Kurtenbach that cures the deficiencies of Pitroda and Miyashita as discussed above with respect to claim 1. Therefore, it is submitted that claim 10 is patentable over Pitroda, Miyashita, Selker and Kurtenbach, taken alone or in combination.

The Office Action, on page 15, rejected claims 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and further in view of Selker and Anderson et al. (U.S. Patent No. 5,828,360, hereinafter "Anderson").

Independent claim 15 recites "a persistent arc shaped graphic located in a lower corner of a display area of the drawing based application associated with an end of a range of a natural motion by a user". Therefore, it is submitted that Pitroda, Miyashita, and Selker fails to disclose, either expressly or implicitly, the features quoted above, for reasons similar to those discussed above. Further, nothing was cited or found in Anderson that cures the deficiencies of Pitroda, Miyashita, and Selker as discussed above with respect to claim 1. Therefore, it is submitted that

claim 15 is patentable over Pitroda, Miyashita, Selker, and Anderson, taken alone or in combination.

It is submitted that dependent claims 16-18 are also patentable over Pitroda, Miyashita, Selker, and Anderson, taken alone or in combination, for at least the same as base claim 15.

The Office Action, on page 17, rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and further in view of Selker, Anderson et al. (U.S. Patent No. 5,828,360, hereinafter "Anderson") and Kurtenbach (U.S. Patent No. 5,689,667).

Claim 19 recites "a arc shaped persistent graphic located in a lower corner of a display area of the drawing based application responsive to a natural motion by a user wherein the natural motion is a curve associated with movement of a hand of the user when an elbow of the user is pivoted and associated with an end of a range of the natural motion by a user". It is submitted that Pitroda, Miyashita, and Selker fails to disclose, either expressly or implicitly, the features quoted above for reasons similar to those discussed above with respect to claim 1. Further, nothing was cited or found in Anderson or Kurtenbach that cure the deficiencies of Pitroda, Miyashita, and Selker as discussed above. Therefore, it is submitted that claim 19 is patentable over Pitroda, Miyashita, Selker, Anderson, and Kurtenbach, taken alone or in combination.

Accordingly, withdrawal of the rejections is respectfully requested.

New claim 33 not only emphasizes the feature of claim 1 but also emphasizes the lower left or right corners. The prior art does not teach or suggest such

### **Summary**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 26, 2008 By: /J. Randall Beckers/  
J. Randall Beckers  
Registration No. 30,358

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501